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REMARKS

On June 9, 2010, Examiner cited additional prior art along with previously cited prior art in rejecting all pending claims (claims 1, 6-7, 9, 14-15, 17 and 22 with claims 1, 9 and 17 being independent) under 35 U.S.C. §103. In issuing this rejection, Examiner cited Val et al. (United States Patent Number 6,763,392) and Deshpande (United States Patent Publication Number 2005/0071881) and newly cited prior art Hefeeda (Non-patent Pub. Promise: PeertoPeer Media Streaming Using CollectCast).

The present invention involves an apparatus, system and methodology for delivery of different multimedia content from different sources being initiated dependent upon detecting a prescribed boundary (e.g., as defined by a End Of Clip value) of multimedia currently being delivered via a respective source. The multimedia content delivery in accordance with the claimed invention provides for transfer of digital multimedia content delivery from one multimedia source to another by intentionally switching from one multimedia content to a different multimedia content dependent upon a described and known point of the multimedia content currently being streamed.

Independent claims 1, 9 and 17 have been previously amended to recite that the streaming of different digital multimedia content must be from different content sources. A first digital multimedia content is streamed from a first content source and second digital multimedia content is streamed from a second content source different than the first content source. In this

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manner, the present invention allows playlist selections to be streamed from a plurality of different content sources.

Examiner alleges that Deshpande in conjunction with Hefeeda discloses the "wherein said RTSP SET_PARAMETER message is generated in response to the client application generating a SWITCH message while said network node is streaming current digital multimedia content to said digital multimedia device from a first content source different than and physically separate from the second content source wherein the first content source and the second content source are not located within the same device and, wherein the first content source comprises a first media clip from a first playlist from which said current media multimedia content is accessed for streaming and the second content source comprises a second media clip from a second playlist from which said digital multimedia content of the second content source is accessed for streaming" limitations of the independent claims.

Examiner cites page 8, paragraph 107 of Deshpande as disclosing some of these limitations. However, while the cited disclosure of Deshpande discloses two separate media clips being streamed, it fails to disclose that these two separate media clips are being sent from two different content sources. Deshpande discloses two media clips S1 and S2 which are part of the same playlist 814 as shown in FIG. 8. In contrast, the disclosure of the present invention indicates that "the client application 302 is operable to request streaming from a new playlist, whereupon the web server 306 returns the playlist URL...the client application 302 instructs the player engine 304 to send appropriate messaging to the streaming module 310 to switch to streaming from the new playlist." See p. 12 of the present application.

Examiner cites Hefeeda as disclosing the first content source being different than and physically separate from the second content source wherein the first content source and the

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second content source are not located within the same device and as further disclosing the first content source containing a first media clip from a first playlist and the second content source containing a second media clip from a second playlist.

The cited portion of Hefeeda discloses a procedure in which a lookup request is performed to determine which peers have a given media clip (e.g. a movie). The selection algorithm determines the active sender set. The active sender set is the best subset of peers that is likely to yield the best quality for a given streaming session. The rest of the candidate peers are kept in a standby sender set, from which replacement peers will substitute failed or degraded peers from the active sender set. The receiver assigns a sending rate to each of the active senders and the streaming session continues as long as there is no need to switch to a different active sending set. A switch is only needed if a peer fails or the network path becomes congested. Hence, in many situations, a switch never occurs from a first media clip containing a given content to the second media clip containing the same content.

Hefeeda does not show either the use of a first playlist or a second playlist as playlist is defined in the present application. Hefeeda also involves a situation in which the first media clip and the second media clip contain the same content (not different content). Moreover, the disclosure of Hefeeda is inoperable with prior art that utilizes a predefined boundary (e.g. End of Clip value) for changing from one media clip to another. Hefeeda involves a situation in which the changing from one media clip to another does not occur intentionally at a predefined boundary, but rather occurs, if at all, in conjunction with some sort of failure in the network.

Although Applicant believes all claims are allowable as previously presented, dependent claim 6 has been amended to include more description of the playlists and further require that the first media clip and second media clip contain different content.

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Applicant respectfully submits that all claims depending from independent claims 1, 9 and 17 are allowable for the same reasons claims 1, 9 and 17 are allowable.

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CONCLUSION

The Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for reasons clearly apparent, the Applicants respectfully request full allowance of all pending claims. If there are any matters that can be discussed by telephone to further the prosecution of the Application, the Applicants invite the Examiner to contact the undersigned at 512-306-8533 at the Examiner's convenience.

Respectfully submitted,

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